

REMARKS

Claims 245-251 are pending in the above-referenced application. No claims have been amended, added or canceled by this paper.

Restriction Requirement

It is asserted in the Office Action that this application contains claims directed to the following patentably distinct species of the claimed invention:

(1) claim 246: intron, polyadenylation signal, capping element, a specific combination; and

(2) claim 247: antisense RNA, antisense DNA, sense RNA, sense DNA, ribozyme, protein binding nucleic acid sequence, or a specific combination.

Applicants respectfully traverse the rejection. Although 35 U.S.C. § 121 provides that restriction may be required to one of two or more independent and distinct inventions, 37 C.F.R. § 1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met. Applicants note that in group (1) there are only four species recited and in groups (2), there are only seven species recited. It would certainly not be unduly burdensome to search such a small and limited number of species. Furthermore, the species in each of the specified groups are related to each other. Specifically, the claims in (1) are directed to RNA processing elements and the claims in group (2) are directed to the nucleic acid product. Applicants respectfully request, therefore, that the rejection be withdrawn.

In order to be completely responsive, however, Applicants have made elections in each of the groups. These are summarized in the table below.

Applicants note that claims readable on the species elected are also listed in the table.

Group	Claims	Species Elected
(1)	245, 246	Intron
(2)	245, 247	Antisense RNA

Submission of Formal Patent Drawings

Applicants and their attorney are in the process of preparing formal patent drawings. As soon as that process has been completed, new formal drawings will be submitted. It is expected that the submission will be made well before the present one month extension will have expired.

Submission of Art-Related Documents

An Information Disclosure Statement is also being prepared. It is expected that an IDS will be submitted before the expiration of the present one-month extension period.

Favorable action on this application is respectfully requested.

* * * * *

Rabbani et al. •

Serial No.: 08/978,635

Filed: November 25, 1997

Page 5 [Response To December 6, 2002 Restriction Requirement

-- January 7, 2003]

SUMMARY AND CONCLUSIONS

Claims 245-251 are presented for further examination. No claims have been amended, added or canceled by this paper.

This response is accompanied by a Request For Extension Of Time (1 Month) and authorization for the fee therefor. No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due, however, the Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that he be contacted at the number provided below.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO THERAPEUTICS, INC.
c/o ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, New York 10022
Telephone: (212) 583-0100
Facsimile: (212) 583-015